101ST CONGRESS
*1st Session*
HOUSE OF REPRESENTATIVES
REPORT
101-357

# HOTEL AND MOTEL FIRE SAFETY ACT OF 1989

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NOVEMBER 14, 1989.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. ROE, from the Committee on Science, Space, and Technology, submitted the following

# REPORT

[To accompany H.R. 94]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, Space, and Technology, to whom was referred the bill (H.R. 94) to amend the Federal Fire Prevention and Control Act of 1974 to allow for the development and issuance of guidelines concerning the use and installation of automatic sprinkler systems and smoke detectors in places of public accommodation affecting commerce, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hotel and Motel Fire Safety Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) more than 400 Americans have lost their lives in multistory hotel fires over the last 5 years;

(2) when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against the loss of life and property from fire;

(3) some State and local governments and the hotel industry need to act more rapidly to require the installation and use of automatic sprinkler systems in hotels; and

(4) through the United States Fire Administration and Center for Fire Research, the Federal Government has helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control.

(b) PURPOSE.—It is the purpose of this Act to save lives and protect property by promoting fire and life safety in hotels, motels, and all places of public accommodation affecting commerce.

SEC. 3. HOTEL AND MOTEL FIRE PREVENTION AND CONTROL.

(a) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new sections:

"LISTINGS OF CERTIFIED PLACES OF PUBLIC ACCOMMODATION

"SEC. 28. (a) SUBMISSIONS BY STATES.—(1) Not later than 1 year after the date of the enactment of this section, each State shall, under procedures formulated by the Director, submit to the Director a list of those places of public accommodation affecting commerce located in the State or his designee certifies meet the requirements of the guidelines described in section 29.

"(2) The Director shall formulate procedures under which each State shall periodically update the list submitted pursuant to paragraph (1).

"(b) COMPILATION AND DISTRIBUTION OF MASTER LIST.—(1) Not later than 60 days after the expiration of the 1-year period referred to in subsection (a), the Director shall compile and publish in the Federal Register a national master list to all of the places of public accommodation affecting commerce located in each State which meet the requirements of the guidelines described in section 29, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.

"(2) The Director shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to him pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.

"(3) For purposes of this subsection, the term 'agency' has the meaning given to it under section 5701(1) of title 5, United States Code.

"FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION

"SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—

"(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Protection Association Standard 74 (as such standard exists on the date of the enactment of this section) in each guest room in each place of public accommodation affecting commerce; and

"(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13–R (as such standards exist on the date of the enactment of this section), whichever is appropriate, in each place of public accommodation affecting commerce except those places that—

"(A) are 2 stories or lower;

"(B) have no guest rooms adjoining interior corridors; and

"(C) have immediate exterior egress from rooms to a ground level area.

(b) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to imple-

ment or enforce any law, rule, regulation, or standard concerning fire prevention and control.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) The term 'smoke detector' means an alarm which is designed to respond to the presence of visible or invisible particles of combustion.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by State or local laws or regulations) through the building's fire alarm system.

"DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION

"SEC. 30. The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.".

(b) DEFINITIONS.—(1) Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) 'Director' means the Director of the Federal Emergency Management Agency;"

(2) Section 4 of such act (as amended by paragraph (1)) is further amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting immediately after paragraph (6) the following new paragraph:

"(7) 'place of public accommodation affecting commerce' means any inn, hotel, or other establishment not owned by the Federal Government which provides lodging to transient guests, other than an establishment located within a building which contains not more than 5 rooms for rent or hire and which is actually occupied as a residence by the proprietor of such establishment;"

SEC. 4. ADHERENCE TO FIRE SAFETY GUIDELINES IN ESTABLISHING RATES AND DISCOUNTS FOR LODGING EXPENSES.

(a) AMENDMENT TO TITLE 5.—Subchapter I of chapter 57 of title 5, United States Code, is amended by inserting immediately after section 5707 the following section:

**"§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses**

"(a) Studies or surveys conducted for the purpose of establishing per diem rates for lodging expenses under this chapter shall be limited to places of public accommodation which meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974. The provisions of this subseciton shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State as defined in section 4 of the Federal Fire Prevention and Control Act of 1974.

"(b) The Administrator of General Services shall include in each directory listing lodging accommodations a description of the access and safety devices, including appropriate alarm systems, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5707 the following new item:

"5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the publication in the Federal Register of the master list of certified places of public accommodation maintained by the Director of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 5. RESTRICTIONS ON ALLOWABLE EXPENSES FOR OVERNIGHT ACCOMMODATIONS FOR FEDERAL EMPLOYEES TRAVELING ON OFFICIAL BUSINESS.

(a) IN GENERAL.—Section 5702 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) An employee who is described in subsection (a) of this section is not entitled to any payment pursuant to such subsection for lodging expenses incurred in any State at any hotel, motel, or other place of public accommodation not owned by the Federal Government which is not on the current master list of certified places of public accommodation maintained by the Director of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974, unless there is no room available at a place of public accommodation on such list located within a reasonable distance of the place of his official business, as determined in accordance with regulations prescribed by the Administrator of General Services.

"(2) For purposes of this subsection, the term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to lodging expenses incurred after the expiration of the 425-day period which begins on the date of the publication in the Federal Register of the master list referred to in section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

## I. BACKGROUND AND NEED

On January 3, 1989, Congressmen Boehlert, Walgren, and Walker introduced H.R. 94, the Hotel and Motel Fire Safety Act of 1989. H.R. 94, as introduced, was similar to the version of the Hotel and Motel Fire Safety Act of 1988 (H.R. 3704), which the House passed on September 26, 1988 during the 100th Congress by voice vote under suspension of the rules.

The Hotel and Motel Fire Safety Act of 1988 was introduced following hearings on the Dupont Plaza Hotel fire in San Juan, Puerto Rico on December 31, 1986. Testimony indicated that the fire, which rampaged through the hotel ballroom, killing 97 people in 12 minutes, would not have posed a threat to life if smoke detectors and a sprinkler system had been in place.

Most fire safety experts agree that automatic sprinkler systems are the most effective and reliable on-site means of fire protection in a building. According to the National Fire Protection Association, there is no record of a multiple death fire (involving three or more people) in a completely sprinklered building where the system operated properly. Yet the most optimistic survey—one presented in June 1988 by the American Hotel-Motel Association—found that sprinklers were installed in only 45 percent of the guest rooms in the Nation (presumably representing an even lower percentage of hotels).

Hearing testimony indicated that the cost of installing sprinklers is probably less than most hotels spend on new carpet—an investment made about every five years—and that lower insurance rates associated with the installation of sprinklers can repay the cost in three to five years.

The incentive in H.R. 94 for Federal employee safety complements the actions of several private sector companies and federal agencies. For example, CIGNA Corporation prohibits its employees from staying in hotels without sprinklers and smoke detectors. The Director of the Federal Emergency Management Agency [FEMA]

recommended that traveling FEMA employees select hotels equipped with automatic sprinkler systems whenever possible.

H.R. 94 as introduced:

Gave the U.S. Fire Administration [USFA] nine months to promulgate final guidelines for fire safety, using Federal Register procedures.

Specified that the guidelines must require sprinklers and smoke detectors in all hotels except those that are under three stories, have no interior corridors and have immediate egress from rooms to the outside. All hotels must have smoke detectors.

Gave States one year to prepare lists of hotels that met the guidelines for submission to USFA and gave USFA 60 days to publish the lists in the Federal Register.

Banned Federal employees from receiving reimbursement if they stayed at any hotel not in compliance with the guidelines (unless none were available within a reasonable distance, as defined by the General Services Administration), effective 60 days after publication of the list.

Required that per diem rates for Federal travel be set by surveying solely hotels that meet the fire safety guidelines.

Required the Federal Travel Directory to list services available to handicapped individuals.

## II. SUMMARY OF COMMITTEE ACTIONS

On March 2, 1989 the Subcommittee on Science, Research and Technology held hearings on H.R. 94, as introduced. As a result of the hearing, an amendment in the nature of a substitute was developed by Congressman Boehlert, which refined the bill in response to concerns expressed by the National Fire Protection Association, the National Electrical Manufacturers Association, and the American Hotel and Motel Association.

The Subcommittee met on April 12, 1989 and adopted Congressman Boehlert's amendment by voice vote. The amendment substituted existing installation standards for USFA rule-making. The installation standards (how many sprinkler heads or detectors to put in what areas) were the only aspect of the fire safety guidelines that were not already laid out specifically in the bill. The amendment also clarified that the smoke detector provisions of the bill required that hard-wire (not battery-operated) single-station smoke detectors be placed in guest rooms. The amendment allowed one year to pass between the date new per diem surveys were required and the date employees were prohibited from traveling to hotels that do not meet the guidelines. This provision provided time for any reimbursement rate changes to take effect before limiting employee travel.

On May 10, 1989, the committee ordered the bill reported with a technical amendment offered by Congressman Boehlert. The amendment corrected an error in the subcommittee amendment which cited the wrong standard for smoke detector installation. Also, the amendment allowed employees to stay at one- and two-story hotels that have interior corridors that do not adjoin the

guest rooms. Finally, the amendment clarified the definition of sprinkler system.

Specifically, the bill as ordered reported by the committee:

Promulgates guidelines for fire safety that require Federal employees to stay at hotels that have sprinklers and smoke detectors or in hotels that are under three stories, have no interior corridors adjoining guest rooms, have immediate egress from rooms to the outside and have smoke detectors.

Gives States one year to prepare lists of hotels that met the guidelines for submission to USFA; USFA would have 60 days to publish the list in the Federal Register.

Requires that per diem rates for Federal travel be set by surveying solely hotels that met the fire safety guidelines, effective 60 days after publication of the USFA master list.

Bans Federal employees from receiving reimbursement if they stayed at any hotel not in compliance with the guidelines (unless none is available within a reasonable distance, as defined by the General Services Administration) effective 425 days after publication of the master list.

Requires the Federal Travel Directory to list services available to handicapped individuals.

### Purpose of the Bill

The purpose of the bill is to encourage the installation of automatic sprinkler systems and smoke detectors in hotels and motels and to protect Federal employees through the issuance of guidelines concerning Federal travel to places of public accommodation affecting commerce.

## III. COMMITTEE VIEWS ON H.R. 94

### 1. Master List

#### COMMITTEE VIEW

Under section 3 of the bill, the States are the units of Government primarily responsible for developing the lists of hotels that meet the Federal Fire Safety Guidelines (including those that are exempt from the sprinkler requirement). The States are given complete discretion as to how they wish to ascertain this information. Options include inspections by State officials, inspections by local officials that are then compiled by the State, self-certification by the hotels through affidavits or some other legal instrument. The States are free to charge fees for this service, to the extent allowed by State or local law. The States should have procedures in place to ensure that the information submitted to the Federal Government is generally accurate.

The primary responsibility of the USFA is to compile the material developed by the States, although the agency may institute procedures to check the accuracy of the submissions. The USFA is charged with developing the procedures for State submission of their lists. These procedures should include at least biennial resubmissions of the State lists to ensure that hotels remain in compliance and should include procedures to add onto the list, as rapidly

as possible, new properties and hotels that come into compliance. Hotels should not have to be omitted from the General Services Administration's (GSA) directory because of State or USFA delinquency in adding them to the master list.

GSA may use the USFA-compiled list as the basis for its directories and surveys discussed in section 4 of the bill. However, GSA should feel free to use whatever other means it chooses to ensure that its materials include only hotels that meet the Federal safety guidelines.

### 2. Smoke Detectors

#### COMMITTEE VIEW

The bill requires hard-wired, single station smoke detectors in the guest rooms. However, the committee recognizes that more elaborate systems, such as those that include smoke detectors in corridors and public areas, and those that interconnect the detectors can further increase safety. The committee believes the General Services Administration should consider including a symbol in the Federal Travel Directory denoting those establishments that exceed the minimum requirement for alarm systems.

### 3. Dissemination of Fire Prevention and Control Information

#### COMMITTEE VIEW

The committee expects the U.S. Fire Administration to publicize the value of sprinklers and smoke detectors and the master list of hotels and motels as widely as possible. The agency is encouraged to use public service announcements, advertisements and mailings to travel agencies, tourist industries, conference planners and other interested parties for this purpose.

### 4. Emergency Alerting Devices for Hearing Impaired People

#### COMMITTEE VIEW

Section 4 encourages hotels and motels to install emergency alerting devices for hearing impaired people and other aids for handicapped individuals by requiring such provisions to be noted in the Federal Travel Directory.

Approximately one in every ten persons in the U.S. suffers from a hearing impairment. The committee recognizes the need to develop a more complete range of emergency alerting devices for hearing impaired people. This need was underscored in the report "Fire Alarm and Detection Systems for the Hearing Impaired," which was prepared by the U.S. Fire Administration pursuant to Public Law 100-476. The report found that more research and testing are needed to develop emergency alerting devices that can wake hearing impaired individuals. The most common devices now available—strobe lights—will not awaken all individuals in all circumstances. The committee encourages Underwriters Laboratory to continue its joint effort with the U.S. Fire Administration to develop standards for emergency alerting devices for hearing impaired people.

The committee encourages hotels and motels to provide the broadest possible protection to hearing impaired people. Since visual alerting devices will not wake all hearing impaired individuals, there is a great need for hotels and motels to provide a range of emergency alerting devices.

### 5. Distance Exemption

#### COMMITTEE VIEW

Section 5 allows an employee to stay at an establishment that does not meet the fire safety guidelines when no other establishments are available within a reasonable distance as defined by the Administrator of the General Services Administration. The committee expects the Administrator to define "reasonable distance" so the term does not become an easy loophole to evade the restrictions. The committee expects the exemption to be used only rarely.

### 6. Hotel Properties Comprising Separate Buildings

#### COMMITTEE VIEW

Some hotels and conference centers are composed of separate buildings, combining low-rises and high-rises. It is the committee's intent that for a hotel to be eligible to receive Federal travelers, all of its buildings must be in compliance with the relevant guidelines in the bill. Consider the example of a hotel that had two entirely separate buildings, one two-story building without interior corridors and with immediate egress to the outside and a second eight-story building. For the hotel to be on the list of eligible properties, the low rise building would have to have smoke detectors and the high-rise building would have to be fully outfitted with sprinklers and smoke detectors.

### 7. Sprinkler System and Alarm System Requirement

#### COMMITTEE VIEW

The bill defines the guidelines for the automatic sprinkler system which must be installed in hotels to comply with the guidelines. The automatic sprinkler system is to be installed in accordance with the National Fire Protection Association Standard 13 or 13–R which ever is appropriate.

The intent of the committee is that when a sprinkler system is activated an appropriate warning signal be provided via a building fire alarm system in accordance with national, State or local laws and regulations governing their installation. The term "appropriate" is used since the requirements for warning signals for high rise buildings are different from low rise buildings and these different requirements are recognized. Activation of the building fire alarm system can occur from the operation of a sprinkler system water flow device and manual pull boxes when those pull boxes are otherwise required. The building fire alarm system will also monitor the operation of sprinkler system control valves and related equipment.

## IV. SECTION-BY-SECTION ANALYSIS

*Section 1.*—Cites the short title the "Hotel and Motel Fire Safety Act of 1989".

*Section 2.*—Cites the following findings and reasons for introducing the legislation: More than 400 Americans have lost their lives in multi-story hotel fires over the last five years; when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against loss of life and property; some State and local governments and the hotel industry need to act more rapidly to require sprinkler systems in hotels and the U.S. Fire Administration and center for fire research have helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control and life safety.

*Section 3.*—The Federal Fire Prevention and Control Act of 1974 is amended by adding the following section:

*Section 28.*—Not later than one year after the bill becomes law, States are required to submit to the director of the Federal Emergency Management Agency [FEMA] a list of hotels and motels in the State which the Governor of the State or his designee certifies meet the fire safety guidelines described in section 29. The director of FEMA is required to update periodically the list of hotels in compliance with the guidelines. The Director of FEMA, acting through the Administrator of the USFA, is given 60 days after the one year period for States to submit the list, to publish in the Federal list a list of all hotels and motels that meet the firesafety guidelines and is required to distribute the list to all Federal agencies.

*Section 29.*—Enumerates the criteria that a hotel or motel must meet to be included on the National Master List. The hotel or motels on the list must have in each guest room hard-wired, single-station smoke detectors installed in accordance with National Fire Protection Association standard 74; an automatic sprinkler system installed in accordance with National Fire Protection Association standard 13 or 13–R. However, hotels that meet all the following conditions are exempted from the sprinkler requirement: two stories or lower; have no guestrooms adjoining interior corridors, and have immediate egress from rooms to a ground level area. The provisions in these guidelines shall not limit the ability of State or local governments to promulgate or enforce any law, rule, regulation or standard governing fire prevention and control.

Defines a "smoke detector" as an alarm which is designed to respond to the presence of visible or invisible particles of combustion. An "automatic sprinkler system" is defined as an electronically supervised, integrated system or piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals, to the extent such signals are required by State or local laws or regulations through the building's fire alarm system.

*Section 30.*—Authorizes the Director, acting through the Administrator, to take steps to encourage States to promote the use of automatic sprinkler and smoke detection systems and to dissemi-

nate, to the fullest extent, information on the life safety value of the systems. Copies of the guidelines and the master list of hotels in compliance may be made available to private organizations and individuals throughout the nation.

The "Director" is defined as the Director of the Federal Emergency Management Agency. "Place of public accommodation affecting commerce" means any inn, hotel, or other establishment with more than five rooms, not owned by the federal government which provides lodging to transient guests. Section 4 adds a new section 5707a to chapter 57 (travel, transportation, and subsistence) of title 5, United States Code. Provides that studies or surveys made to establish per diem rates for lodging expenses for Federal employees are limited to hotels and motels that meet the fire safety guidelines. The subsection does not apply to a jurisdiction that is not a State as defined in the Federal Fire Prevention and Control Act of 1974. The Administrator of the General Services is required also to include with each listing of hotels and motels in the Federal Travel Directory, a description of access and safety devices for guests who are hearing-impaired or visually or physically handicapped. These changes take effect 60 days after the date of the publication in the Federal Register of the master list.

Section 5 amends section 5702 of title 5, United States Code by prohibiting Federal employees from receiving reimbursement if they stay at hotels or motels not on the current list of hotels and motels in compliance with guidelines maintained by the director of FEMA, unless there is no room available at a hotel or motel on the list within a "reasonable distance" of the place of official business. The Administrator of General Services shall define "reasonable distance".

The term "State" is defined as any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States.

The restriction on Federal employees travel reimbursement takes effect 425 days after publication of the master list in the Federal Register.

## V. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

* * * * * * *

#### DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Academy" means the National Academy for Fire Prevention and Control;

(2) "Administration" means the United States Fire Administration established pursuant to section 5 of this Act;

(3) "Administrator" means the Administrator of the United States Fire Administration;

*(4) "Director" means the Director of the Federal Emergency Management Agency;*

[(4)] *(5)* "fire service" means any organization in any State consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, including a private firefighting brigade. The personnel of any such organization may be paid employees or unpaid volunteers or any combination thereof. The location of any such organization and its responsibility for extinguishment and suppression of fires may include, but need not be limited to, a Federal installation, a State, city, town, borough, parish, county, fire district, fire protection district, rural fire district, or other special district. The terms "fire prevention", "firefighting", and "firecontrol" relate to activities conducted by a fire service;

[(5)] *(6)* "local" means of or pertaining to any city, town, county, special purpose district, unincorporated territory, or other political subdivision of a State;

*(7) "place of public accommodation affecting commerce" means any inn, hotel, or other establishment not owned by the Federal Government which provides lodging to transient guests, other than an establishment located within a building which contains not more than 5 rooms for rent or hire and which is actually occupied as a residence by the proprietor of such establishment;*

[(6)] *(8)* "Secretary" means the Secretary of Commerce; and

[(7)] *(9)* "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States.

* * * * * * *

*LISTINGS OF CERTIFIED PLACES OF PUBLIC ACCOMMODATION*

*SEC. 28. (a) SUBMISSIONS BY STATES.—(1) Not later than 1 year after the date of the enactment of this section, each State shall, under procedures formulated by the Director, submit to the Director a list of those places of public accommodation affecting commerce located in the State which the Governor of the State or his designee certifies meet the requirements of the guidelines described in section 29.*

*(2) The Director shall formulate procedures under which each State shall periodically update the list submitted pursuant to paragraph (1).*

*(b) COMPILATION AND DISTRIBUTION OF MASTER LIST.—(1) Not later than 60 days after the expiration of the 1-year period referred to in subsection (a), the Director shall compile and publish in the Federal Register a national master list of all of the places of public accommodation affecting commerce located in each State which*

*meet the requirements of the guidelines described in section 29, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.*

*(2) The Director shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to him pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.*

*(3) For purposes of this subsection, the term "agency" has the meaning given to it under section 5701(1) of title 5, United States Code.*

*FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION*

*SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—*

*(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Protection Association Standard 74 (as such standard exists on the date of the enactment of this section) in each guest room in each place of public accommodation affecting commerce; and*

*(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13-R (as such standards exist on the date of the enactment of this section), whichever is appropriate, in each place of public accommodation affecting commerce except those places that—*

*(A) are 2 stories or lower;*

*(B) have no guest rooms adjoining interior corridors; and*

*(C) have immediate exterior egress from rooms to a ground level area.*

*(b) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.*

*(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:*

*(1) The term "smoke detector" means an alarm which is designed to respond to the presence of visible or invisible particles of combustion.*

*(2) The term "automatic sprinkler system" means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by State or local laws or regulations) through the building's fire alarm system.*

*DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION*

*SEC. 30. The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of*

*automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.*

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## CHAPTER 57 OF TITLE 5, UNITED STATES CODE

### CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

Sec.
5701. Definitions.

* * * * * * * *

*5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses.*

* * * * * * *

### Subchapter I—Travel and Subsistence Expenses; Mileage Allowances

* * * * * * *

**§ 5702. Per diem; employee traveling on official business**

(a) * * *

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*(d)(1) An employee who is described in subsection (a) of this section is not entitled to any payment pursuant to such subsection for lodging expenses incurred in any State at any hotel, motel, or other place of public accommodation not owned by the Federal Government which is not on the current master list of certified places of public accommodation maintained by the Director of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974, unless there is no room available at a place of public accommodation on such list located within a reasonable distance of the place of his official business, as determined in accordance with regulations prescribed by the Administrator of General Services.*

*(2) For purposes of this subsection, the term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.*

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***§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses***

*(a) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be lim-*

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*ited to places of public accommodation which meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State as defined in section 4 of the Federal Fire Prevention and Control Act of 1974.*

*(b) The Administrator of General Services shall include in each directory listing lodging accommodations a description of the access and safety devices, including appropriate alarm systems, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.*

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## VI. EFFECT OF LEGISLATION ON INFLATION

In accordance with rule XI, clause 2(l)(4), of the Rules of the House of Representatives, this legislation is assessed to have no adverse inflationary effect on prices and costs in the operation of the national economy.

## VII. OVERSIGHT FINDINGS AND RECOMMENDATIONS BY THE COMMITTEE ON GOVERNMENT OPERATIONS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT OPERATIONS,
*Washington, DC, November 13, 1989.*

Hon. ROBERT A. ROE,
*Chairman, Committee on Science, Space, and Technology,*
*U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: As you know, for several months the staffs of our respective committees have been discussing H.R. 94, Hotel and Motel Fire Safety Act of 1989. As ordered reported, H.R. 94 contained a provision amending Title 5, United States Code, to prevent Federal employees from receiving reimbursement for lodging at a hotel or motel not on a current list of establishments meeting certain prescribed fire-safety standards. Government travel reimbursement is a matter in the jurisdiction of the Committee on Government Operations.

These discussions have resulted in an alternative proposal. It would strike the Federal employee reimbursement limitation and instead would impose other requirements designed to encourage the installation of fire safety equipment by the hotel and motel industry. The new provisions would require that the travel directory published by the General Services Administration (GSA) for Federal employees list only the approved hotels or motels, require that GSA undertake discount negotiations only with approved hotels and motels, and prohibit use of Federal funds to sponsor or fund conferences or meetings at places of public accommodation not complying with the aforementioned fire-safety standards.

The alternative proposal also would provide that, beginning four years after enactment of the provision, Federal agencies will institute steps to monitor and control employee lodging for the purpose of meeting specific percentage goals of lodging nights spent at ap-

proved accommodations. Randomly selected agencies' percentage figures will be audited periodically by the General Accounting Office.

The costs of implementing sections 5 and 6 of the alternative proposal are very difficult to estimate accurately. Earlier estimates from GSA, although based on limited assumptions, indicate that the annual cost will not be such that I would want to oppose consideration of this important fire-safety measure on that basis. Therefore, this committee will not insist on sequential referral of H.R. 94, with the understanding that your committee will agree to the adoption of the amendment agreed to by our respective committee staffs and that appropriate language will be included in the report on H.R. 94.

Sincerely,

JOHN CONYERS, Jr., *Chairman.*

## VIII. COST ESTIMATE—CONGRESSIONAL BUDGET OFFICE, AS REPORTED ON MAY 10, 1989

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, November 8, 1989.*

Hon. ROBERT A. ROE,
*Chairman, Committee on Science, Space, and Technology,*
*U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 94, the Hotel and Motel Fire Safety Act of 1989, as ordered reported by the House Committee on Science, Space, and Technology on May 10, 1989, and as subsequently amended by the Committee. We expect that enactment of either version of the bill would cost the federal government about $200,000 in fiscal year 1990, and about $100,000 annually in subsequent years. In addition, lodging costs for traveling federal employees could increase if either bill was passed due to provisions that encourage federal employees to stay in accommodations that meet the fire prevention and control guidelines contained in the bill.

*H.R. 94, As Ordered Reported on May 10, 1989*

H.R. 94 would require each state to submit to the Federal Emergency Management Agency (FEMA) a list of those places of public accommodation that conform to fire prevention and control guidelines contained in the bill. In turn, FEMA would be required to compile and publish in the Federal Register a national master list of accommodations that conform to the guidelines. FEMA would be required periodically to update the master list. In addition, the bill would require most federal employees traveling on official business to use hotels and motels on the master list. Finally, H.R. 94 would require the General Services Administration (GSA) to survey only those accommodations that meet the guidelines in determining per diem rates for lodging.

Based on information from FEMA, we estimate that compiling and publishing the master list would cost about $200,000 in fiscal year 1990. In subsequent years, maintaining the master list would cost about $100,000 annually.

Information from GSA suggests that accommodations that meet the fire prevention guidelines specified in the bill may be more expensive on average than other accommodations. The federal government presently spends about $1.5 billion per year on lodging expenses.

If federal employees were required to stay at these more expensive accommodations in order to obtain reimbursement for their costs, total federal lodging costs could rise. However, currently available information is insufficient to enable us to predict the amount of the increase.

Some cost would be incurred by state and local governments to prepare the list of accommodations that conform to the guidelines contained in the bill. Because some industry data already exist, we expect that the cost incurred by any individual state to compile the list would not be significant.

*H.R. 94, As Subsequently Amended by the Committee*

The amended version of H.R. 94 would make a number of changes to the bill as ordered reported. GSA would be permitted to include in the Federal Travel Directory only accommodations that meet the fire safety standards in the bill, and would be permitted to take other unspecified steps to encourage federal employees to stay in approved hotels. The amended version would not require federal employees to stay at hotels on the master list in order to receive compensation for their lodging costs. This provision would be replaced by a requirement that beginning in fiscal year 1995 federal agencies meet specified targets for the percentage of employees traveling on federal business who stay in hotels that meet the safety standards. Finally, no federal funds could be used to support events held in buildings not meeting the standards.

The cost of compiling a master list would remain the same in this version of the bill. Some of the potential cost from requiring that employees stay in approved hotels would be postponed until 1995. However, to the extent that employees rely on the Federal Travel Directory in choosing accommodations, federal lodging costs could increase beginning in fiscal year 1991 as more employees stay in hotels that meet the fire safety standards. We do not have sufficient information to estimate the amount of such increase.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Douglas Criscitello and Marta Morgan, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

## IX. BUDGET ANALYSIS AND PROJECTION

The bill provides for new authorization rather than new budget authority and consequently the provisions of section 308(A) of the Congressional Budget Act are not applicable.

## X. COMMITTEE RECOMMENDATION

A quorum being present, the bill was ordered reported on May 10, 1989, by voice vote of the committee.

## XI. COMMITTEE ACTION SUBSEQUENT TO ORDERING THE BILL REPORTED

As ordered reported by the Committee on Science, Space, and Technology, H.R. 94 contained a provision altering Government travel reimbursement policy, which is a matter within the legislative jurisdiction of the House Committee on Government Operations. Therefore, the Science, Space, and Technology Committee held several discussions on the bill with the Committee on Government Operations. The committees have agreed to a floor amendment that would drop the language in section 5 which would have prevented Federal employees from receiving reimbursement for lodging at a hotel or motel that failed to meet the fire safety guidelines.

The floor amendment includes a new section 5 that requires each Federal agency to ensure that a fixed percentage of its employees' travel stays are at hotels that meet the fire safety guidelines. The percentage begins at 65 percent and gradually escalates to 90 percent. The percentage does not rise above 90 percent to provide for those occasions when employers cannot stay in hotels that meet the guidelines—no rooms may be available, or the nature of an assignment might require a stay at a particular hotel. However, it is the clear intent of the committees that employers stay at hotels that meet the guidelines except on those rare occasions when circumstances clearly require them to stay elsewhere.

The approach in the new section 5 has several advantages over that in the bill as reported. It frees employees from the burden of documenting the necessity of each travel stay at a hotel that does not meet the guidelines, it does not penalize the individual employee, and it limits the paperwork for the agency.

The floor amendment also includes a new section 6 prohibiting the Federal Government or a contractor or grantee from holding meetings, conferences, conventions or seminars in hotels that do not meet the guidelines if the event is funded in whole or in part with Federal funds. Furthermore, section 6 requires a notice in advertisements of federally funded meetings, conferences, conventions and seminars, noting this requirement. Section 6 empowers the head of each federal agency to waive the prohibition for cause. The committees expect this waiver to be used extremely rarely.

The floor amendment includes language to clarify section 4, which is also within the jurisdiction of the Committee on Government Operations, and to make clarifying and technical changes in other sections of the bill, which are solely within the jurisdiction of the Committee on Science, Space, and Technology. The changes are described below:

*Section 3*

H.R. 94 as ordered reported stated that to be in compliance with the federal guidelines hotels had to meet the appropriate installation standard for sprinklers and smoke detectors "as such standards exist on the date of enactment of this section." The floor amendment would eliminate the phrase "as such standards exist on the date of enactment of this section." The committee believes

the phrase, which had been in the reported bill, made the guidelines too inflexible since standards are revised frequently.

In general, to be in compliance with the Federal Guidelines, hotels should meet the installation standard in effect at the time that the sprinklers or smoke detectors were installed. However, States may omit from their lists hotels whose sprinklers and smoke detectors were installed in accordance with a standard that is so antiquated that the efficacy of the systems cannot be vouched for.

The floor amendment also would amend the definition of "automatic sprinkler system" to require that such a system provide appropriate warning signals to the extent such signals are required by Federal laws or regulations, as well as, State or local laws or regulations.

Finally, the floor amendment would amend the definition of "place of public accommodation affecting commerce" to clarify that the term does not include apartment buildings. For purposes of this act, the Federal Government will consider any property considered an apartment building by State or local laws or regulations to be an apartment building. The legislation does not concern stays at apartment buildings, including those that lease apartments to transients for relatively short stays.

*Section 4*

The floor amendment would add a new subsection (B) to section 5707a specifying that the federal travel directory published by the General Services Administration [GSA] and any other lodging directory put out by GSA can list only those hotels that meet the Federal Fire Safety Guidelines (including those that are exempted from the sprinkler requirement).

The former subsection (B) would become subsection (C) and would be amended to replace the phrase "appropriate alarm systems" with "appropriate emergency alerting devices." The latter phrase is favored by groups representing hearing impaired people because it acknowledges that different individuals respond to different devices, not all of which would be considered alarms.

Finally, the floor amendment would add a new subsection (D) clarifying that the Administrator of General Services is empowered to take additional steps deemed appropriate to encourage employees to patronize hotels that meet the fire safety guidelines.

*Section 5*

The floor amendment would eliminate section 5, as ordered reported, and replace it with a new section 5, requiring each Federal agency to ensure that a fixed percentage of its employees' travel stays are at hotels that meet the fire safety guidelines. The percentage is 65 percent of travel nights in the first fiscal year beginning four years after enactment, 75 percent in the second such fiscal year and 90 percent in the third such fiscal year and each succeeding fiscal year.

The committees expect GSA to issue regulations, as soon after enactment as possible, describing the procedures agencies should use to keep track of and report these percentages. Travel accounting systems should be in place significantly before the travel restrictions take effect. This will make the new system function more

smoothly and will enable agencies to assess the degree to which employees will have to alter their traditional travel patterns.

GSA should also publish materials, as soon after enactment as possible, informing employees that they are to stay in hotels that meet the Fire Safety Guidelines unless doing so is impossible. Employees should be in the habit of checking whether accommodations meet the guidelines long before the percentage restrictions take effect.

In calculating the travel data required by this act, agencies are required only to determine whether a hotel at which an employee stayed was on GSA's list of approved hotels at the time the employee stayed there. The agency is not expected to conduct any independent investigation of the property's status. The GSA list (whether identical to the USFA Master List or based on some independently derived information) is the sole arbiter of whether a property is an "approved accommodation."

The agency travel tabulations are to include all domestic travel by civilian employees receiving reimbursement from the Federal Government, including moving expenses. The only exception is travel to a convention, meeting, conference or seminar that is not in an "approved accommodation" because it has received a waiver from the head or designee of a Federal agency pursuant to section 6.

The floor amendment would also require audits by the General Accounting Office [GAO] to review compliance with this section. GAO is given wide discretion in how to conduct these audits. GAO needs not audit every agency during each biennial audit and may use appropriate sampling techniques rather than review every travel voucher. The audit, however, must be comprehensive enough to determine whether the Federal agencies appear to be abiding by this act. If the GAO chooses not to review all Federal agencies during each audit, then each audit should look at a different set of Federal agencies until all major agencies have been covered.

*Section 6*

The floor amendment would add a new section 6 that would prohibit the holding of any meeting, convention, conference or training seminar at a hotel that does not meet the fire safety guidelines if the event is funded in whole or in part, with federal funds—unless the head or designee of the agency funding the event grants a waiver.

This provision applies to all meetings, conventions, conferences or training seminars that are paid for in whole or in part by Federal funds, regardless of whether the government itself is arranging the event.

The committees expect the waiver authority to be used only sparingly and for good cause. GSA should issue general guidelines on when a waiver could be used and should develop a system for agencies to file such waivers with GSA. However, GSA has no authority to review any waiver decision.

The head of an agency may delegate the waiver authority only to a single individual within the agency. The committees expect that any designee would be in a position of high authority within the agency.

When an event covered by this section is being funded by more than one Federal agency, all the agencies must agree to the waiver for it to take effect.

The floor amendment would require that any advertisement or application for an event covered by this section include a notice calling attention to the fact that the hotel meets Federal Fire Safety guidelines. The amendment would also require that the Government provide a notice of section's requirements to each recipient of Federal funds to be used for planning, organizing or sponsoring an event covered by this section.

GSA should develop a brief notice that would be used for all Government-funded events to meet the notice requirements of subsection (C)(1). The committees have in mind a phrase analogous to those denoting equal opportunity in employment. The purpose of the notice is to make the public more aware of the issue of fire safety. GSA should also devise a standard form for use by all Government entities that must provide notice to recipients of funds under subsection (C)(2).

*Section 7*

The floor amendment would add a new section making it clear that the Federal Government is not liable for any damage, injuries or deaths resulting from a fire at a hotel that is included on Government lists of properties that meet the Federal Fire Safety Standards.

## XII. CHANGES IN H.R. 94 MADE BY COMMITTEE ACTION SUBSEQUENT TO ORDERING THE BILL REPORTED

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hotel and Motel Fire Safety Act of 1989".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) more than 400 Americans have lost their lives in multistory hotel fires over the last 5 years;

(2) when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against the loss of life and property from fire;

(3) some State and local governments and the hotel industry need to act more rapidly to require the installation and use of automatic sprinkler systems in hotels; and

(4) through the United States Fire Administration and the Center for Fire Research, the Federal Government has helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control.

(b) PURPOSE.—It is the purpose of this Act to save lives and protect property by promoting fire and life safety in hotels, motels, and all places of public accommodation affecting commerce.

SEC. 3. HOTEL AND MOTEL FIRE PREVENTION AND CONTROL.

(a) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new sections:

LISTINGS OF CERTIFIED PLACES OF PUBLIC ACCOMMODATION

"SEC. 28. (a) SUBMISSIONS BY STATES.—(1) Not later than 1 year after the date of the enactment of this section, each State shall, under procedures formulated by the Director, submit to the Director a list of those places of public accommodation af-

fecting commerce located in the State which the Governor of the State or his designee certifies meet the requirements of the guidelines described in section 29.

"(2) The Director shall formulate procedures under which each State shall periodically update the list submitted pursuant to paragraph (1).

"(b) COMPILATION AND DISTRIBUTION OF MASTER LIST.—(1) Not later than 60 days after the expiration of the 1-year period referred to in subsection (a), the Director shall compile and publish in the Federal Register a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines described in section 29, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.

"(2) The Director shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to him pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.

"(3) For purposes of this subsection, the term 'agency' has the meaning given to it under section 5701(1) of title 5, United States Code.

"FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION

"SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—

"(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Protection Association Standard 74 in each guest room in each place of public accommodation affecting commerce; and

"(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13-R, whichever is appropriate, in each place of public accommodation affecting commerce except those places that—

"(A) are 2 stories or lower;

"(B) have no guest rooms adjoining interior corridors; and

"(C) have immediate exterior egress from rooms to a ground level area.

"(b) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) The term 'smoke detector' means an alarm that is designed to respond to the presence of visible or invisible particles of combustion.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State, or local laws or regulations) through the building's fire alarm system.

"DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION

"SEC. 30. The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local government, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.".

(b) DEFINITIONS.—(1) Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) 'Director' means the Director of the Federal Emergency Management Agency;".

(2) Section 4 of such Act (as amended by paragraph (1)) is further amended by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively, and by inserting immediately after paragraph (6) the following paragraph:

"(7) 'place of public accommodation affecting commerce' means any inn, hotel, or other establishment not owned by the Federal Government that provides lodging to transient guests, except that such term does not include an establishment treated as an apartment building for purposes of any State or local law or regulation or an establishment located within a building that contains not more than 5 rooms for rent or hire and that is actually occupied as a residence by the proprietor of such establishment;".

SEC. 4. ADHERENCE TO FIRE SAFETY GUIDELINES IN ESTABLISHING RATES AND DISCOUNTS FOR LODGING EXPENSES.

(a) AMENDMENT TO TITLE 5.—Subchapter I of chapter 57 of title 5, United States Code, is amended by inserting immediately after section 5705 the following new section:

**"§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses**

"(a) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be limited to places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jursidiction that is not a State as defined in section 4 of the Federal Fire Prevention and Control Act of 1974.

"(b) The Administrator of General Services may not include in any directory listing lodging accommodations any hotel, motel, or other place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(c) The Administrator of General Services shall include in each directory listing lodging accommodations a description of the access and safety devices, including appropriate emergency alerting devices, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.

"(d) The Administrator of General Services may take any additional actions he deems appropriate to encourage employees traveling on official business to stay at places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5707 the following new item:

"5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the publication in the Federal Register of the master list of certified places of public accommodation maintained by the Director of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 5. ESTABLISHMENT OF APPROVED ACCOMMODATIONS PERCENTAGE FOR FEDERAL AGENCIES.

(a) APPROVED ACCOMMODATIONS PERCENTAGE.—

(1) IN GENERAL.—Section 5707 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Each agency shall ensure that its approved accommodations percentage for a fiscal year shall be not less than—

"(A) 65%, for the first fiscal year that begins 4 years after the date of the enactment of this subsection;

"(B) 75%, for the second fiscal year that begins 4 years after the date of the enactment of this subsection; and

"(C) 90%, for the third and each subsequent fiscal year that begins 4 years after the date of the enactment of this subsection.

"(2) In this subsection, an agency's 'approved accommodations percentage' for a fiscal year is the percentage determined by multiplying 100 by the quotient of—

"(A) the total number of nights spent by civilian employees of the agency (as described in section 5702(a)) for which payment was made under this chapter for lodging expenses incurred in any State at any approved hotel, motel, or

other place of public accommodation not owned by the Federal Government; divided by

"(B) the total number of nights spent by such employees for which payment was made under this chapter for lodging expenses incurred in any State at any hotel, motel, or other place of public accommodation not owned by the Federal Government.

"(3) For purposes of this subsection, a hotel, motel, or other place of public accommodation is approved if it meets the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(4) For purposes of this subsection—

"(A) the term 'agency' does not include the government of the District of Columbia; and

"(B) the term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory.".

(2) CONFORMING AMENDMENT.—Section 5701 of such title is amended in the matter preceding paragraph (1) by striking "For the purpose" and inserting "Except as otherwise provided in section 5707(d), for the purpose".

(b) GAO AUDIT OF AGENCY COMPLIANCE.—Not later than 6 months after the last day of the first fiscal year during which lodging expenses are subject to the requirements of section 5707(d) of title 5, United States Code, as added by subsection (a), and not later than 6 months after the last day of every other fiscal year thereafter, the Comptroller General shall conduct an audit of the compliance of agencies with the requirements of section 5707(d) of title 5, United States Code (as added by subsection (a)), and shall submit a report to Congress describing the results of such audit.

SEC. 6. PROHIBITING FEDERAL FUNDING OF CONFERENCES HELD AT NONCERTIFIED PLACES OF PUBLIC ACCOMMODATION.

(a) IN GENERAL.—No Federal funds may be used to sponsor or fund in whole or in part a meeting, convention, conference, or training seminar that is conducted in, or that otherwise uses the rooms, facilities, or services of, a place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974 (as added by section 3(a) of this Act).

(b) WAIVER.—

(1) IN GENERAL.—The head of an agency of the Federal Government sponsoring or funding a particular meeting convention, conference, or training seminar may waive the prohibition described in subsection (a) if the head of such agency determines that a waiver of such prohibition is necessary in the public interest in the cast of such particular event.

(2) DELEGATION OF AUTHORITY.—The head of an agency of the Federal Government may delegate the authority provided under paragraph (1) to waive the prohibition described in subsection (a) and to determine whether such a waiver is necessary in the public interest to an officer or employee of the agency if such officer or employee is given such authority with respect to all meetings, conventions, conferences, and training seminars sponsored or funded by the agency.

(c) NOTICE REQUIREMENTS.—

(1) ADVERTISEMENTS AND APPLICATIONS.—(A) Any advertisement for or application for attendance at a meeting, convention, conference, or training seminar sponsored or funded in whole or in part by the Federal Government shall include a notice regarding the prohibition described in subsection (a).

(B) The requirement described in subparagraph (A) shall not apply in the case of an event for which a head of an agency of the Federal Government, pursuant to subsection (b), waives the prohibition described in subsection (a).

(2) PROVIDING NOTICE TO RECIPIENTS OF FUNDS.—(A) Each Executive department, Government corporation, and independent establishment providing Federal funds to non-Federal entities shall notify recipients of such funds of the prohibition described in subsection (a).

(B) In subparagraph (A), the terms "Executive department", "Government corporation", and "independent establishment" have the meaning given such terms in chapter 1 of title 5, United States Code.

(d) EFFECTIVE DATE,—The provisions of this section shall take effect on the first day of the first fiscal year that begins after the expiration of the 425-day period that begins on the date of the publication in the FEDERAL REGISTER of the master list

referred to in section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC 7. WAIVER OF FEDERAL LIABILITY.

In any action for damages resulting from a fire at a place of public accommodation, the Federal Government may not be found liable for the death of or injury to any person or damage to any property because an officer or employee of the Federal Government was negligent in carrying out any requirement under this Act or the amendements made by this Act.

## XIII. CHANGES IN EXISTING LAW MADE BY THE BILL SUBSEQUENT TO ORDERING THE BILL REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

### FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

* * * * * * *

DEFINITIONS

SEC. 4. As used in this Act, the term—

(1) "Academy" means the National Academy for Fire Prevention and Control;

(2) "Administration" means the United States Fire Administration established pursuant to section 5 of this Act;

(3) "Administrator" means the Administrator of the United States Fire Administration;

*(4) "Director" means the Director of the Federal Emergency Management Agency;*

[4] *(5)* "fire service" means any organization in any State consisting of personnel, apparatus, and equipment which has as its purpose protecting property and maintaining the safety and welfare of the public from the dangers of fire, including a private firefighting brigade. The personnel of any such organization may be paid employees of unpaid volunteers or any combination thereof. The location of any such organization and its responsibility for extinguishment of suppression of fires may include, but need not be limited to, a Federal installation, a State, city, town, borough, parish, county, fire district, fire protection district, rural fire district, or other special district. The terms "fire prevention", "firefighting", and "firecontrol" relate to activities conducted by a fire service;

[5] *(6)* "local" means of or pertaining to any city, town, county, special purpose district, unincorporated territory, or other political subdivision of a State;

*(7) "place of public accommodation affecting commerce" means any inn, hotel, or other establishment not owned by the Federal Government that provides lodging to transient guests, except that such term does not include an establishment treated as an apartment building for purposes of any State or local law or regulation or an establishment located within a building that contains not more than 5 rooms for rent or hire and that is*

*actually occupied as a residence by the proprietor of such establishment;*

[6] *(8)* "Secretary" means the Secretary of Commerce; and

[7] *(9)* "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory of the Pacific Islands and any other territory or possession of the United States.

* * * * * * *

*LISTINGS OF CERTIFIED PLACES OF PUBLIC ACCOMMODATION*

*SEC. 28. (a) SUBMISSIONS BY STATES.—(1) Not later than 1 year after the date of the enactment of this section, each State shall, under procedures formulated by the Director, submit to the Director a list of those places of public accommodation affecting commerce located in the State which the Governor of the State or his designee certifies meet the requirements of the guidelines described in section 29.*

*(2) The Director shall formulate procedures under which each State shall periodically update the list submitted pursuant to paragraph (1).*

*(b) COMPILATION AND DISTRIBUTION OF MASTER LIST.—(1) Not later than 60 days after the expiration of the 1-year period referred to in subsection (a), the Director shall compile and publish in the Federal Register a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines described in section 29, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.*

*(2) The Director shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to him pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.*

*(3) For purposes of this subsection, the term "agency" has the meaning given to it under section 5701(1) of title 5, United States Code.*

*FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION*

*SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—*

*(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Protection Association Standard 74 in each guest room in each place of public accommodation affecting commerce; and*

*(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13–R, whichever is appropriate, in each place of public accommodation affecting commerce except those places that—*

*(A) are 2 stories or lower;*

*(B) have no guest rooms adjoining interior corridors; and*

*(C) have immediate exterior egress from rooms to a ground level area.*

*(b) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.*

*(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:*

*(1) The term "smoke detector" means an alarm that is designed to respond to the presence of visible or invisible particles of combustion.*

*(2) The term "automatic sprinkler system" means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State, or local laws or regulations) through the building's fire alarm system.*

*DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION*

*SEC. 30. The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.*

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# TITLE 5, UNITED STATES CODE

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## PART III—EMPLOYEES

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### Subpart D—Pay and Allowances

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#### CHAPTER 57—TRAVEL, TRANSPORTATION, AND SUBSISTENCE

SUBCHAPTER I—TRAVEL AND SUBSISTENCE EXPENSES; MILEAGE ALLOWANCES

Sec.

5701. Definitions.
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5705. Advancements and deductions.
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## Subchapter I—Travel and Subsistence Exprenses; Mileage Allowances

### § 5701. Definitions

[For the purpose] *Except as otherwise provided in section 5707(d), for the purpose* of this subchapter—

(1) "agency" means—

(A) an Executive agency;

(B) a military department;

(C) an office, agency, or other establishment in the legislative branch;

(D) an office, agency, or other establishment in the judicial branch; and

(E) the government of the District of Columbia;

but does not include—

(i) a Government controlled corporation;

(ii) a Member of Congress; or

(iii) an office or committee of either House of Congress or of the two Houses;

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### § 5707. Regulations and reports

(a) * * *

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*(d)(1) Each agency shall ensure that its approved accommodations percentage for a fiscal year shall be not less than—*

*(A) 65%, for the first fiscal year that begins 4 years after the date of the enactment of this subsection;*

*(B) 75%, for the second fiscal year that begins 4 years after the date of the enactment of this subsection; and*

*(C) 90%, for the third and each subsequent fiscal year that begins 4 years after the date of the enactment of this subsection.*

*(2) In this subsection, an agency's "approved accommodations percentage" for a fiscal year is the percentage determined by multiplying 100 by the quotient of—*

*(A) the total number of nights spent by civilian employees of the agency (as described in section 5702(a)) for which payment was made under this chapter for lodging expenses incurred in any State at any approved hotel, motel, or other place of public*

*accommodation not owned by the Federal Government; divided by*

*(B) The total number of nights spent by such employees for which payment was made under this chapter for lodging expenses incurred in any State at any hotel, motel, or other place of public accommodation not owned by the Federal Government.*

*(3) For purposes of this subsection, a hotel, motel, or other place of public accommodation is approved if it meets the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.*

*(4) For purposes of this subsection—*

*(A) the term "agency" does not include the government of the District of Columbia; and*

*(B) the term "State" means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, the Trust Territory.*

***§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses***

*(a) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be limited to places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State as defined in section 4 of the Federal Fire Prevention and Control Act of 1974.*

*(b) The Administrator of General Services may not include in any directory listing lodging accommodations any hotel, motel, or other place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.*

*(c) The Administrator of General Services shall include in each directory listing lodging accommodations a description of the access and safety devices, including appropriate emergency alerting devices, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.*

*(d) The Administrator of General Services may take any additional actions he deems appropriate to encourage employees traveling on official business to stay at places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.*

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## XIV. COST ESTIMATE—CONGRESSIONAL BUDGET OFFICE, SUBSEQUENT TO ORDERING THE BILL REPORTED

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, November 8, 1989.*

Hon. ROBERT A. ROE,
*Chairman, Committee on Science, Space, and Technology,*
*U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 94, the Hotel and Motel Fire Safety Act of 1989, as ordered reported by the House Committee on Science, Space, and Technology on May 10, 1989, and as subsequently amended by the Committee. We expect that enactment of either version of the bill would cost the federal government about $200,000 in fiscal year 1990, and about $100,000 annually in subsequent years. In addition, lodging costs for traveling federal employees could increase if either bill was passed due to provisions that encourage federal employees to stay in accommodations that meet the fire prevention standards specified in the bill.

*H.R. 94, As Ordered Reported on May 10, 1989*

H.R. 94 would require each state to submit to the Federal Emergency Management Agency (FEMA) a list of those places of public accommodation that conform to fire prevention and control guidelines contained in the bill. In turn, FEMA would be required to compile and publish in the Federal Register a national master list of accommodations that conform to the guidelines. FEMA would be required periodically to update the master list. In addition, the bill would require most federal employees traveling on official business to use hotels and motels on the master list. Finally, H.R. 94 would require the General Services Administration (GSA) to survey only those accommodations that meet the guidelines in determining per diem rates for lodging.

Based on information from FEMA, we estimate that compiling and publishing the master list would cost about $200,000 in fiscal year 1990. In subsequent years, maintaining the master list would cost about $100,000 annually.

Information from GSA suggests that accommodations that meet the fire prevention guidelines specified in the bill may be more expensive on average than other accommodations. The federal government presently spends about $1.5 billion per year on lodging expenses.

If federal employees were required to stay at these more expensive accommodations in order to obtain reimbursement for their costs, total federal lodging costs could rise. However, currently available information is insufficient to enable us to predict the amount of the increase.

Some cost would be incurred by state and local governments to prepare the list of accommodations that conform to the guidelines contained in the bill. Because some industry data already exist, we expect that the cost incurred by any individual state to compile the list would not be significant.

*H.R. 94, As Subsequently Amended by the Committee*

The amended version of H.R. 94 would make a number of changes to the bill as ordered reported. GSA would be permitted to include in the Federal Travel Directory only accommodations that meet the fire safety standards in the bill, and would be permitted to take other unspecified steps to encourage federal employees to stay in approved hotels. The amended version would not require federal employees to stay at hotels on the master list in order to receive compensation for their lodging costs. This provision would be replaced by a requirement that beginning in fiscal year 1995 federal agencies meet specified targets for the percentage of employees traveling on federal business who stay in hotels that meet the safety standards. Finally, no federal funds could be used to support events held in buildings not meeting the standards.

The cost of compiling a master list would remain the same in this version of the bill. Some of the potential costs from requiring that employees stay in approved hotels would be postponed until 1995. However, to the extent that employees rely on the Federal Travel Directory in choosing accommodations, federal lodging costs could increase beginning in fiscal year 1991 as more employees stay in hotels that meet the fire safety standards. We do not have sufficient information to estimate the amount of such increase.

In you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Douglas Criscitello and Marta Morgan, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER, *Director.*

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